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File No. O Fin. Rules | 41

Legal **DEPARTMENT**

A **BRANCH**

Subject:—

Opinions Under the Financial Rules

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Submitted.

Mr. Y. Mahableshwarappa, a member of the Board of Communications, S. D. submitted a bill of Rs. 163-8-0 on account of travelling allowance payable to him in respect of the meeting of the Board of Communications attended by him at Belgaum on 20.2.1939. The Accountant General objected to the payment of the bill stating that the amount was not payable unless sanctioned by Govt. under Note 3 to subrule (b) of rule 30 in the Financial Rules (Fin. Publication No. I). The question raised for the consideration of the R. L. A. is whether the said Note applies to the claim in question and whether the claim is barred by any provision of law relating to limitation.

Vide the A. G's letter to the Commr. S. D. at P. 15 ante,

2. Note 3 to sub-rule (b) of rule 30 in the Financial Rules provides that when claims which have remained in abeyance for a period exceeding one year are, under the rule above (i. e. Sub-rule (b)) submitted for the orders of the competent authority, that authority should reject all claims other than certain specified claims. In considering old claims recommended to Govt. for sanction, Govt. will also take into account the fact that it is normally not possible, owing to the limited period of preservation of records, to audit claims more than six years old. Sub-rule (b) of rule 30 provides that claims of Govt. servants to arrears of pay or allowances which have been allowed to remain in abeyance for a period exceeding one year, cannot

a period exceeding one, year cannot be investigated by the Principal Auditor, except under the special orders of the competent authority. It would appear therefore that sub-rule(b) provides for claims by Govt. servants only; and the words "under the rule above" in Note 3 referred to above relate to sub-rule (b) of rule 30 and not to rule 30. Since the claimant in this case does not appear to be a Govt. servant Note 3 under rule 30 (b) which relates to claims by ovt. servants would not be applicable in the present case. The view expressed by the Comm. S. D. in this respect in his letter at p. 21 ante appears to be correct.

3. Rule 30-A of the Financial Rules provides that a claim against Govt. which is barred by time under any provision of law relating to limitation is ordinarily to be refused and no claim on account of such a time-barred item is to be paid without the sanction of Govt. The question therefore is whether ~~x~~ the claim is barred by any provisions of the Indian ~~L~~ Limitation Act, 1908. It appears that the claim in question would be ~~xxx~~ governed by article 120 in the First Schedule to the Indian Limitation Act which prescribes a period of 6 years As the claim is not barred it does not appear any sanction of Govt. would be needed under the Financial Rules.

sd/-
20/3/41

A. G. Reply may be on the lines of Paras 2 & 3 of Mr. Deshmukh's note as amended.

sd/-
28/3

AG. Pl. see para 5 at pp. 25-26ante.

Fl.see para 5 at pp. 25-26 ante.

Since the claim in question is not more than two years old it does not appear to be barred by limitation as the article applicable in such cases would be article 120 in the First Schedule to the Indian Limitation Act, 1908.

As rule 30 (b) itself deals with claims of Govt. servants, the view taken in para 3 at p. 25 ante. appears to be correct.

sd/-

7-4-41.

R. L. A.

sd/-

11/4

M. R. R.
6-4-1956.

21.see para 5 at pp. 25-20 ante.

Since the claim in question is not more than two years old it does not appear to be barred by limitation as the article applicable in such cases would be article 120 in the First Schedule to the Indian Limitation Act, 1908.

As rule 30 (b) itself deals with claims of Govt. servants, the view taken in para 3 at p. 25 ante. appears to be correct.

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R. L. A.

sd/-

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6-4-1050.